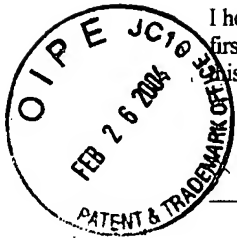


CERTIFICATION OF MAILING



I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: February 23, 2004.

Eva Cavalli
(Print Name)

Eva Cavalli
(Signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Patent Application

Applicant(s): Becton, Dickinson and Company Docket No.: P-5366.C2
Serial No.: 10/688,131 Group Art Unit: 2878
Filing Date: 10/17/03 Examiner:
For: **FLUORESCENCE DETECTION INSTRUMENT WITH
REFLECTIVE TRANSFER LEGS FOR COLOR DECIMATION**

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit the accompanying Information Disclosure Statement by Applicants (substitute for form 1449/PTO) pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98. Applicants request that the documents cited on the accompanying Information Disclosure Statement be made of record in the above-referenced application.

1. Copies of References

☐ Copies of all references cited in the accompanying Information Disclosure Statement are provided herewith.

☒ Copies of ☒ all references ☐ the following references, cited in the accompanying Information Disclosure Statement were submitted in priority application Serial No. 09/941,357, which earlier application is properly identified in the Information Disclosure Statement and is relied on for an earlier effective filing date under 35 U.S.C. 120.

2. Time of Submission

a. ☒ The Information Disclosure Statement is submitted before the mailing of a first Office action on the merits. No fee is due.

b. ☐ The Information Disclosure Statement is submitted after the time period specified in 2(a), but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by:

☐ The statement specified under 37 C.F.R. §1.97(e).

☐ The fee set forth in 37 C.F.R. §1.17(p).

c. ☐ The Information Disclosure Statement is submitted after the time period specified in 2(b), but on or before payment of the issue fee and is accompanied by:

☐ The statement specified under 37 C.F.R. §1.97(e).

☐ The fee set forth in 37 C.F.R. §1.17(p).

3. Fee (if required in §2(a) or §2(b))

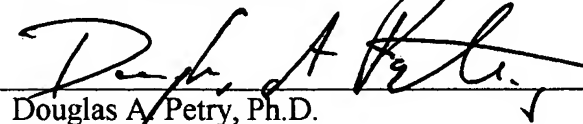
☐ The commissioner is hereby authorized to charge the fee due under 37 C.F.R. § 1.17(p), which is the amount of \$ 180.00, to my Deposit Account No. **02-1666**. This sheet is provided in duplicate.

☐ The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. **02-1666**. This sheet is provided in duplicate.

The filing of this information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56.

2/23/04
Date

Respectfully submitted,


Douglas A. Petry, Ph.D.

Reg. No. 35,321

Agent for Applicants

BD Biosciences

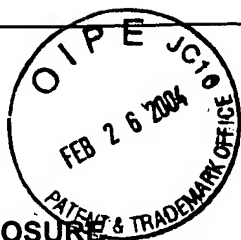
2350 Qume Drive

San Jose, CA 95131

Tel: (408) 518-5074

Fax: (408) 954-4122

Substitute for Form PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEINFORMATION DISCLOSURE
STATEMENT BY APPLICANTATTY. DOCKET NO.
P-5366.C2SERIAL NO.
10/688,131

APPLICANT

FILING DATE
October 17, 2003GROUP
2878

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,599,307	07/08/86	Saunders et al.	435	34	
	4,727,020	02/23/88	Recktenwald	435	6	
	4,745,285	05/17/88	Recktenwald et al.	250	458.1	
	5,032,004	07/16/91	Steinle	350	171	
	5,317,162	05/31/94	Pinsky et al.	250	461.2	
	5,483,469	01/09/96	Van den Engh et al.	364	555	
	5,805,346	09/08/98	Tomimatsu	359	656	
	6,097,485	08/01/00	Lievan	356	338	
	6,157,478	12/05/00	Naiki et al.	359	204	
	09/853,043	05/11/01	Yount et al			
	6,317,207	11/13/01	French et al	356	317	

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	WO01/27590	04/19/01	PCT			X

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Becton Dickinson Company paper, "Procount™ Progenitor Cell Enumeration System", 1997, 3 pages.
	Becton Dickinson Company paper, "BD LSR System", 1997, 2 pages.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Substitute for Form PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT	ATTY. DOCKET NO. P-5366.C2	SERIAL NO. 10/688,131
	APPLICANT	
	FILING DATE October 17, 2003	GROUP 2878

[illegible]

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.